

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

No. 7:04-CR-00096-F-1

No. 7:16-CV-00138-F

BENJAMIN LYNN SCOTT,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

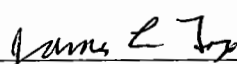
ORDER

This matter is before the court on Benjamin Lynn Scott's Motion to Vacate, Set Aside, or Correct Sentence pursuant to 28 U.S.C. § 2255 [DE-31]. Having examined Scott's motion pursuant to Rule 4(b) of the Rules Governing § 2255 Proceedings, the United States Attorney is DIRECTED to file an Answer pursuant to Rule 5, Rules Governing § 2255 Proceedings, or to make such other response as appropriate to the above-captioned § 2255 motion within **forty (40)** days of the filing of this order.

Scott asserts a challenge based on *Johnson v. United States*, 135 S. Ct. 2551 (2015), but he does not qualify for appointed counsel pursuant to Standing Order No. 15-SO-2 (E.D.N.C. Oct. 16, 2015) because he had retained counsel when he was previously before this court.

SO ORDERED.

This 9th day of June, 2016.


JAMES C. FOX

SENIOR UNITED STATES DISTRICT JUDGE